

## **CHAPTER 33-15-21 ACID RAIN PROGRAM**

### **Section**

- 33-15-21-01 General Provisions [Repealed]
- 33-15-21-02 Designated Representative [Repealed]
- 33-15-21-03 Acid Rain Applications [Repealed]
- 33-15-21-04 Acid Rain Compliance Plan and Compliance Options  
[Repealed]
- 33-15-21-05 Acid Rain Permit Contents [Repealed]
- 33-15-21-06 Acid Rain Permit Issuance Procedures
- 33-15-21-07 Permit Revisions [Repealed]
- 33-15-21-08 Compliance Certification [Repealed]
- 33-15-21-08.1 Permits
- 33-15-21-09 Continuous Emissions Monitoring
- 33-15-21-10 Acid Rain Nitrogen Oxides Emission Reduction  
Program
- 33-15-21-11 Sulfur Dioxide Opt-Ins [Reserved]

**33-15-21-01. General provisions.** Repealed effective June 1, 2001.

**33-15-21-02. Designated representative.** Repealed effective June 1, 2001.

**33-15-21-03 Acid rain permit applications.** Repealed effective June 1, 2001.

**33-15-21-04. Acid rain compliance plan and compliance options.** Repealed effective June 1, 2001.

**33-15-21-05. Acid rain permit contents.** Repealed effective June 1, 2001.

**33-15-21-06. Acid rain permit issuance procedures.** Repealed effective June 1, 2001.

**33-15-21-07. Permit revisions.** Repealed effective June 1, 2001.

**33-15-21-08. Compliance certification.** Repealed effective June 1, 2001.

**33-15-21-08.1. Permits.** The provisions of title 40, Code of Federal Regulations, part 72 and its appendices, as they exist on ~~July 2, 2010~~ January 1, 2012, for purposes of implementing an acid rain program that meets the requirements of title IV of the federal Clean Air Act, are incorporated into this chapter by reference. The term “administrator” means the department except for those duties that cannot be delegated to the department. For those duties that cannot be delegated, “administrator” means the administrator of the United States environmental protection agency. If the provisions or requirements of title 40, Code of Federal Regulations, part 72,

conflict with or are not included in section 33-15-14-06, the provisions of part 72 shall apply and take precedence.

**History:** Effective June 1, 2001; amended effective March 1, 2003; February 1, 2005; January 1, 2007; April 1, 2009; April 1, 2011.

**General Authority:** NDCC 23-25-03, 23-01-04.1

**Law Implemented:** NDCC 23-25-03, 23-25-04, 23-25-04.1

### **33-15-21-09. Continuous emissions monitoring.**

1. **General.** The monitoring, recordkeeping, and reporting of sulfur dioxide, nitrogen oxides, and carbon dioxide emissions, volumetric flow, and opacity data from affected units under the acid rain program shall be conducted in accordance with title 40, Code of Federal Regulations, part 75. Title 40, Code of Federal Regulations, part 75 and its appendices, as they exist on ~~July 2, 2010~~ January 1, 2012, are incorporated by reference.
2. **Exceptions.** Those portions of title 40, Code of Federal Regulations, part 75, that are controlled and administered completely by the United States environmental protection agency will not be enforced by the state. This should not be construed as precluding the United States environmental protection agency from exercising its statutory authority under the Clean Air Act, as amended, or an affected source from complying with the authority or the requirements of the federal acid rain program.

**History:** Effective December 1, 1994; amended effective June 1, 2001; March 1, 2003; February 1, 2005; January 1, 2007; April 1, 2009; April 1, 2011.

**General Authority:** NDCC 23-25-03

**Law Implemented:** NDCC 23-25-03, 23-25-04, 23-25-04.1

**33-15-21-10. Acid rain nitrogen oxides emission reduction program.** Title 40, Code of Federal Regulations, part 76 and its appendices, as they exist on ~~July 2, 2010~~ January 1, 2012, are incorporated into this chapter by reference.

**History:** Effective April 1, 1998; amended effective June 1, 2001; March 1, 2003; February 1, 2005; January 1, 2007; April 1, 2009; April 1, 2011.

**General Authority:** NDCC 23-25-03

**Law Implemented:** NDCC 23-01-04.1, 23-25-03

### **33-15-21-11. Sulfur dioxide opt-ins. [Reserved]**